

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22766. Adulteration of canned turnip greens and canned mustard greens. U. S. v. 6½ Cases of Turnip Greens and 10½ Cases of Mustard Greens. Default decree of destruction. (F. & D. no. 32665. Sample nos. 69087-A, 69088-A.)

This case involved an interstate shipment of canned greens that contained vinegar flies, worms, beetles, bugs, and cocoons.

On May 1, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ cases of canned turnip greens and 10½ cases of mustard greens at Healdton, Okla., alleging that the articles had been shipped in interstate commerce, on or about April 29 and June 5, 1933, respectively, by Thrift Packing Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Thrift Brand Turnip Greens [or "Mustard Greens"] * * * Thrift Packing Co. Dallas, Texas."

It was alleged in the libel that the articles were adulterated in that they consisted wholly or in part of a filthy vegetable substance.

On June 5, 1934, no claimant having appeared for the property, judgment was entered finding the products adulterated, and ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22767. Adulteration of dried grapes. U. S. v. 375 Cases and 100 Cases of Dried Grapes. Decrees of condemnation and forfeiture. Product released under bond for use in the manufacture of a distilled product. (F. & D. nos. 32670, 32723. Sample nos. 35395-A, 48263-A.)

These cases involved a shipment of two lots of dried grapes, one of which was insect-infested and the other of which contained insect excreta.

On May 2 and May 17, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 475 cases of dried grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about April 10, 1934, by the Vagim Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "West Coast Brand Alicante [or "Zinfandel"] Dried Black Grapes Vagim Packing Co., Fresno, Calif."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 31, 1934, the Vagim Packing Co., Fresno, Calif., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,326, conditioned that it be used in the manufacture of a distilled product.

M. L. WILSON, *Acting Secretary of Agriculture.*

22768. Adulteration and misbranding of canned salmon. U. S. v. 39 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32673. Sample no. 60792-A.)

This case involved interstate shipment of two lots of salmon labeled as Choice or Fancy quality, but which was in part decomposed. One of the lots was labeled to convey the impression that it was red salmon, whereas it was chinook.

On May 7, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 12 and April 14, 1934, by the Jacobson-Shealy Co., Inc., from San Francisco, Calif., and charging adulteration and

misbranding in violation of the Food and Drugs Act. A portion of the article was labeled; (Can) "Cottage Brand Red Choice Chinook Salmon * * * Packed by Red Salmon Canning Co."; the word "Red" appearing across the cut of a fish. The remainder was labeled: "Fancy Quality * * * Fresh Spring Chinook Salmon Packed for G. W. Bume Co., Benicia * * * Cal."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement, "Fancy Quality Fresh Spring * * * Salmon", as applied to a low-grade salmon which was in part decomposed, the word "Red" across the cut of a fish, and the statements, "Choice * * * Red Salmon Canning Co.", as applied to a chinook variety of salmon, were false and misleading and tended to deceive and mislead the purchaser.

On June 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22769. Misbranding of canned tomatoes. U. S. v. 998 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32674, 32760, 32785 to 32788, incl. Sample nos. 35397-A to 35400-A, incl., 46615-A, 46616-A, 62037-A, 66498-A, 66499-A.)

These cases involved shipments of canned tomatoes which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive peel, and which were not labeled to indicate that they were substandard.

On May 3, May 24, and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,321 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce, by Roberts Bros., Inc., in part on or about March 7, 1934, from Winter Haven, Fla., and in part on or about March 17 and 19, 1934, from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Roberts Big R. Brand Tomatoes * * * Packed by Roberts Bros. Incorporated, Main Office Baltimore, Md."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of excessive peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 30, 1934, Roberts Bros., Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$11,520, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22770. Misbranding of mixed vegetables. U. S. v. 50 Cases of Mixed Vegetables. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32675. Sample no. 63155-A.)

This case involved a shipment of canned mixed vegetables which was composed of different vegetables than represented on the label.

On May 3, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of mixed vegetables at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about October 24, 1933, by the Rocky Mountain Packing Corporation, of Salt Lake City, Utah, from Manti, Utah, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Black and White Brand Mixed Vegetables * * * Haas Baruch and Co., Los Angeles, Calif."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representations of asparagus,